No. 80-2111

FILED
JUN 15 1981

IN THE

Supreme Court of the United States

OCTOBER TERM 1980

AMERICAN BELL INTERNATIONAL INC.,
Petitioner,

v.

ISLAMIC REPUBLIC OF IRAN AND THE MINISTRY OF DEFENSE OF THE ISLAMIC REPUBLIC OF IRAN,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit Before Judgment

OPPOSITION OF RESPONDENTS THE ISLAMIC REPUBLIC OF IRAN AND THE MINISTRY OF DEFENSE OF THE ISLAMIC REPUBLIC OF IRAN TO MOTION FOR EXPEDITED CONSIDERATION OF PETITION FOR WRIT OF CERTIORARI AND RELATED RELIEF AND RESPONSE TO PETITION FOR CERTIORARI BEFORE JUDGMENT

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OPPOSITION OF RESPONDENTS THE ISLAMIC REPUBLIC OF IRAN AND THE MINISTRY OF DEFENSE OF THE ISLAMIC REPUBLIC OF IRAN TO MOTION FOR EXPEDITED CONSIDERATION OF PETITION FOR WRIT OF CERTIORARI AND RELATED RELIEF AND RESPONSE TO PETITION FOR CERTIORARI BEFORE JUDGMENT

The Islamic Republic of Iran (the "Government of Iran") and the Ministry of Defense of the Islamic Republic of Iran hereby oppose petitioner's motion for expedited consideration of the petition for writ of *certiorari* before judgment and related relief and respond to the petition for writ of *certiorari* before judgment. Specifically, respondents concur with petitioner's suggestion (Pet. at 19 n.9) that the Court place the petition on "hold" status, pending the Court's final disposition of *Dames & Moore v. Donald T. Regan*, No. 80-2078 (U.S.).

It is true that petitioner's case raises virtually identical issues as those presented in *Dames & Moore* with respect to the vacation of prejudgment attachments* However, the impact of the forum-selection clause in petitioner's contract on the President's authority to vacate the prejudgment attachments is already before the Court in the opinion of the United States Court of Appeals for the District of Columbia Circuit in *American International Group, Inc. v. Islamic Republic of Iran,* No. 80-1179 (D.C. Cir. June 5, 1981) (typescript op. appended to the United States' memorandum in No. 80-2078). The D.C. Circuit held, *inter alia,* that the President's power to vacate attachments issued under a revocable license does not depend upon the ability of the party to seek relief from the Iran-United States Claims Tribunal. *AIG* typescript op. at 11; *accord,* partial tr. of hearing in *American Bell International Inc. v. Islamic Republic of Iran,* Civ. Act. No. 80-0321 (D.D.C. June 11, 1981) (Pet. App. 6(a).)

In these circumstances consolidation of this petition with the writ granted to *Dames & Moore* at this point will only burden a highly expedited briefing and argument schedule, while it will not present issues to the Court that are not already properly before it.

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* Unlike the issues before the court in *Dames & Moore,* this petition does not challenge the Executive's power to settle claims under the Algerian Declarations. (Pet. at 10.)

Respondents therefore request that the petition be put on "hold" status should any additional ruling be necessary after the Court's final disposition of *Dames & Moore.*

Respectfully submitted,

/s/ THOMAS G. SHACK, JR.

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IN THE

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October Term 1980

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Petitioner,

v.

ISLAMIC REPUBLIC OF IRAN AND THE MINISTRY OF DEFENSE OF THE ISLAMIC REPUBLIC OF IRAN,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit Before Judgment

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposition of Respondents the Islamic Republic of Iran and the Ministry of Defense of the Islamic Republic of Iran has been served this 15th day of June, 1981, on the following in the manner indicated:

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